# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	$\square$ U.S.	
William MacLure		Squad #16	201701515	✓ Abuse	O.L.	☐ Injury	
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Northbound lane of Park Avenue South at East 24th Street		13	8/24/2018	8/24/2018	
Date/Time CV Reported		CV Reported At: How CV Reported:		Date/Time	Date/Time Received at CCRB		
Sat, 02/25/2017 2:29 PM		CCRB Call Processing System		Sat, 02/25/	Sat, 02/25/2017 2:29 PM		
Complainant/Victim	Туре	Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Arthur Golfphin	05330	938578	013 PCT				
Officer(s)	Allegatio	egation			Investigator Recommendation		
A.POM Arthur Golfphin	Abuse: Police Officer Arthur Golfphin issued a summons to \$87(2)(b)						

## **Case Summary**

On February 25, 2017, §87(2)(b) filed this complaint with the CCRB via the call processing system.

On February 24, 2017, at approximately 11:32 p.m., at the northbound lane of Park Avenue South between East 23<sup>rd</sup> and East 24<sup>th</sup> Street, in Manhattan, PO Arthur Golfphin stopped for failure to yield to pedestrians. PO Golfphin issued \$87(2)(b) as a summons for failure to yield to pedestrian. \$87(2)(b) told PO Golfphin that he was going to file a complaint against him. PO Golfphin issued \$87(2)(b) another summons for disorderly conduct (Allegation A).

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This was \$87(2)(b) s first complaint with the CCRB (Board Review 03).
- PO Golfphin has 11 allegations stemming from six complaints at the CCRB. None of the
  previous allegations were substantiated. PO Golfphin had one previous allegation of a
  retaliatory summons in CCRB case number 200807385, which was unsubstantiated.

It is undisputed that PO Golfphin issued \$37(2)(b) two summonses, one for failure to

#### **Findings and Recommendations**

# Allegation A – Abuse of Authority: Police Officer Arthur Golfphin issued a summons to \$87(2)(b)

yield to pedestrians (Board Review 01), and one for disorderly conduct (Board Review 02). was interviewed at the CCRB on March 8, 2017 (Board Review 04). stated that after he was stopped, PO Golfphin asked him for his license and registration. provided the documents to PO Golfphin and then he went back to his police vehicle. When PO Golfphin returned to \$87(2)(b) s vehicle, he only had \$87(2)(b) s license and registration, but no summons. §87(2)(b) told PO Golfphin that he was going to file a complaint against him. PO Golfphin told \$87(2)(b) that someone was touching the crosswalk. § 87(2)(b) disputed this. PO Golfphin told \$87(2)(b) "I'm going to write you a summons now," then went back to his car with § 87(2)(b) s license and registration. PO Golfphin did not tell § 87(2)(6) was going to write him two summonses. § 87(2)(b) admitted that he was angry during the incident, and that he was loud when talking to PO Golfphin. PO Golfphin came back to s car and \$87(2)(b) was quiet at this point. PO Golfphin issued \$87(2)(b) summonses, one for failure to yield to pedestrians, and one for disorderly conduct. PO Golfphin was interviewed at the CCBR on April 25, 2017 (Board Review 05). PO Golfphin stated that the first time he approached \$87(2)(b) s vehicle, he told \$87(2)(b) going to be issued a summons for failing to yield to pedestrians. § 87(2)(b) was initially cordial and denied that there were pedestrians in the cross walk. PO Golfphin told [87/2][6] could dispute the summons in court. PO Golfphin went back to his vehicle and wrote the summons for failure to yield to pedestrians. After PO Goflphin returned to \$87(2)(b) and handed the summons to § 87(2)(b) became "belligerent" and said that PO Golfphin was "fucked up." PO Golfphin did not recall if \$87(2)(b) who was sitting in his car facing PO Golfphin, made any other statements at this time. PO Golfphin described the volume of the conversation as "moderate." PO Golfphin took the failure to yield summons and 887(2)(5) license and registration and went back to his police vehicle. PO Golfphin could not provide a time

frame for how long §87(2)(b) was being hostile. PO Golfphin went back to his vehicle to write
a criminal summons for disorderly conduct because of \$87(2)(b) s "discourtesy."
While PO Golfphin was in his vehicle writing the summons for disorderly conduct, \$87(2)(b)
got out of his vehicle and walked up to the front bumper of PO Golfphin's vehicle. 887(2)(b)
was filming or taking pictures on his cell phone. PO Golfphin told \$87(2)(b) to get back into his
vehicle twice over the intercom. S87(2)(b) got back in his vehicle. PO Golfphin stated that
was outside his vehicle for approximately two or three seconds. When asked what
subsection of disorderly conduct the summons was for, PO Golfphin stated "240.20." When
asked again to specify the subsection, PO Golfphin stated, "disorderly conduct." PBA attorney
Kate Conlon explained that the investigator meant the subsection of disorderly conduct. PO
Golfphin stated, "That's it. I don't remember what the subsection was. It was a dis con." When
asked what subsection it could have been, PO Golfphin said he had no idea what it could have
been. PO Golfphin stated, "Whatever the attitude was, belligerent, that's probably what it fell
under. So basically dis con for attitude, whatever that fell under. That's probably the code that it
was. I have no idea off hand what it was actually written under." PO Golfphin stated that he
decided to write the disorderly conduct summons after giving \$87(2)(b) the summons for failing
to yield to pedestrians. PO Golfphin issued \$87(2)(b) the disorderly conduct summons because
was cursing at him and very hostile. When asked what else he perceived as hostile
behavior, PO Golfphin stated that \$87(2)(b) got out of his vehicle when he was told to stay
inside the vehicle. PO Golfphin confirmed that \$87(2)(b) got out of his vehicle while PO
Golfphin was inside his vehicle writing the summons for disorderly conduct. PO Golfphin
confirmed that the decision to write \$87(2)(b) the summons for disorderly conduct was made
before \$87(2)(b) got out of his vehicle. PO Golfphin stated that it just added more to the
disorderly conduct ticket.

The summons PO Golfphin issued to \$87(2)(b) for disorderly conduct (Board Review 02) had no subsection of disorderly conduct cited. The summons noted "motorist became belligerent and cursed out police officer." A call was placed to Manhattan Criminal Court Summons office on May 11, 2017, which revealed that the summons was closed and sealed on April 18, 2017 (Board Review 06).

A person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance or alarm, recklessly creating a risk thereof:

- 1) He engages in fighting or in violent tumultuous or threatening behavior; or
- 2) He makes unreasonable noise; or
- 3) In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
- 4) Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
- 5) He obstructs vehicular or pedestrian traffic; or
- 6) He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
- 7) He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose, <u>New York Penal Law</u>, Section 240.20, "Disorderly Conduct" (Board Review 07).

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Investigator:				
	Signature	Print	Date	
Squad Leader:				
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